IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

A.S.No. 797 of 1998

(OS.299/1989 of II ADDL.SUB COURT,KOZHIKODE)

APPELLANTS/RESPONDENTS/DEFENDANTS:
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1. P.K. KUNHANUJATHY THAMPURATTY,
AGED 65 YEARS,
D/O. KUTTY KUNJATTY THAMPURATTY,
KOZHIKODE PUTHIYAKOVIL.AKATH KIZHAKKE KETTU
SUB TAVASHI,
PANNIYANKARA AMSOM, KOZHIKODE TALUK.

2. KRISHNAKUMAR,
S/O. FIRST RESPONDENT,
-DO- -DO-

BY ADV. SRI.RENJITH THAMPAN

RESPONDENTS/PETITIONERS/PLAINTIFFS:
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1. P.K.THAMPATTY, D/O. KUTTY THAMPURATTY (DIED)
KOZHIKODE PUTHIYAKOVIL.AKATH KIZHAKKE KETTU
SUB TAVASHI,
PANNIYANKARA AMSOM, KOZHIKODE TALUK.

2. P.K. NIRMALA KUMARI THAMPATTY,
C/O. RAJA RAJA VARMA,
BHAJAN KOVIL LANE, CHALAPPURAM, KOZHIKODE.

3. P.K. SWARNAKUMARI THAMPAPTTY, AGED 45 YEARS,
-DO- -DO-

4. P.K. KANAKA KUMARI THAMPATTY,
SIVANILAYAM,
POOLANIKOVILAKOM,
POOLANI, MELUR, THRISSUR DISTRICT.

5. P.K. LATHIKA THAMPATTY,
CHALAVARA P.O., PALAKKAD.

6. P.K. SARASWATHY THAMPATTY,
C/O. JOHN PIOUS , SURVEY NO. 51/1,
PLOT NO.38, CHARKUI, RSC SOCIETY,
PUNE – 411 014.

7. P.K. SUMATHY THAMPATTY @ SUMITRA,
D/O. PRADEEPKUMAR,
LUNAR DRAE & SCULL,
P.B.NO. 50237, DUBAI, UAE.

8. P.K. USHA THAMPATTY,
JITHESH NIVAS, THIRUVANOOR,
PANNIYURKARA VILLAGE,
KOZHIKODE TALUK.

9. P.K. JITHESH RAJA,
-DO- -DO-

10. JYOTHI THAMPATTY,
-DO- -DO-

11. BINDU VARMA,
D/O. VIMALAKUMARI THAMPURATTY,
SAPTHASWARA,
KACHANI, TRIVANDRUM.

12. SREE HARI VARMA (MINOR),
S/O. BINDU,
-DO- -DO-

13. VANI VARMA (MINOR),
D/O. NIRMALA KUMARI & RAJA RAJA VARMA,
BHAJAN KOVIL LANE, CHALAPURAM, KOZHIKODE.

14. VIDYA VARMA (MINOR)
D/O. NIRMALA KUMARI,
BHAJAN KOVIL LANE,
-DO- -DO-

15. ASWATHI (MINOR),
D/O. KANAKAKUMARI THAMPURATTY,
REP. BY NEXT FRIEND AND MOTHER KANAKAKUMARI THAMPURATTY,
SIVANILAYAM, PULANI, CHALAKKUDY (VIA.)

16. VISHNU (MINOR),
S/O. KANAKAKUMARI,
-DO- -DO-

17. RENJINI (MINOR),
D/O. LATHIKA KUMARI THAMPURATTY,
CHALAVARA P.O., PALAKKAD DIST.,
REP. BY NEXT FRIEND AND MOTHER LATHIKA KUMARI THAMPURATTY.

18. RAJA RAJA VARMA,
HUSBAND OF NIRMALA KUMARI THAMPURATTY,
BHAJAN KOVIL LANE, CHALAPPURAM, KOZHIKODE,
S/O. DIVAKARAN NAMBOODIRI KAPPRASERY KIZHEKKEMADAM,
KOZHIKODE.

R9 BY ADV. SRI.R.BINDU (SASTHAMANGALAM)

THIS APPEAL SUITS HAVING COME UP FOR ORDERS ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR ,J.

C.M.P.No.6428 of 1998
IN
A.S.No.797 of 1998

Dated, this the 16th day of October, 2007

ORDER

When this petition comes up for hearing the learned counsel appearing for the petitioners submits that the matter has been settled out of court and, therefore, this petition may be dismissed as not pressed.

In the result, Civil Miscellaneous Petition is dismissed as not pressed.

K. PADMANABHAN NAIR,
JUDGE.

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K. PADMANABHAN NAIR ,J.

A.S.No.797 of 1998

Dated, this the 16th day of October, 2007

JUDGMENT

This appeal is filed out of time along with C.M.P.No.6428/1998, petition to condone delay. Today I have dismissed the above said petition as not pressed. So the appeal is barred by limitation. It is only to be dismissed as barred by limitation.

In the result, appeal is dismissed as barred by limitation.

K. PADMANABHAN NAIR,
JUDGE.

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K.PADMANABHAN NAIR, J.

A.S.No.797 of 1998

JUDGMENT

16th October, 2007.

K.PADMANABHAN NAIR, J.

C.M.P.No.6428 of 1998

IN

A.S.No.797 of 1998

ORDER

16th October, 2007.